Linda Carty's other lawyer sets the record straight

Two years ago, Clive Stafford Smith's Reprieve organisation launched a campaign on behalf of Linda Carty, who was and remains on death row in Texas. That campaign has been more enthusiastic than truthful.

Everyone convicted of any crime, great or small, has the right to protest his or her innocence, even in the face of absolutely overwhelming evidence of guilt.

There are though different rules for lawyers, not least for lawyers who solicit money from both the general public and from corporations in order to fund research, campaigning and advocacy.

A lawyer may be an advocate but he is also an officer of the court, and as such he has an overriding duty to justice.

Sometimes it can be tricky to both advocate for a client and serve justice; and sometimes, a lawyer will cross the line.

While Linda Carty has the absolute right not only to protest her innocence but to make any wild claim she pleases, a lawyer who represents her or professes to represent her does not, especially when such advocacy includes defaming other members of his profession, and endorsing clearly proven lies.

Some background to the case of Linda Carty can be found here and here; a critical review of the recent documentary about her can be found here, and a lengthy legal document including findings of facts by the appellate courts can be found here.

Briefly though, two years ago, the London office of the Reprieve organisation – a registered charity – launched a high profile campaign on Carty's behalf. The thrust of that campaign is not simply that Carty should be spared execution, but that she is innocent of the terrible crime of which she was convicted, and that she is on death row for two reasons entirely not of her making: that she was framed by wicked drug dealers, and that she was represented by the worst lawyer in Texas if not in America or even the entire world.

A number of allegations have been made against Jerry Guerinot including that he spent only fifteen minutes with his client prior to trial, that he failed to advise her of her right to consular assistance – as a British citizen – and that he failed to locate crucial witnesses.

It has also been claimed that he has more clients or former clients on death row than any other attorney in America.

On the face of it, these are serious allegations, but do they stand up to scrutiny?

One person who thinks not is Windi Akins Pastorini, the former Windi Akins and Jerry Guerinot's co-counsel. Although she doesn't look old enough, she has been a lawyer for 25 years, and now has her own practice in Houston. Her credentials are impressive.

Being both unaware of the campaign being waged by Reprieve on behalf of her former client, and being also understandably suspicious of a contact by an unknown quantity out of the blue, she was initially somewhat reserved, but agreed to set the record straight subject to legal protocol.

It is no exaggeration to she was shocked at some of the allegations that have been thrown around like confetti for the past two years and more; as the lady herself said: "Has anyone even bothered to read the transcript of the trial?"

Sadly, the people who are currently lobbying for Carty on Facebook – principally * daffy young women – seem to take pride in not reading anything about this case and in parroting uncritically the guff spewed out by Carty herself and regurgigated by a smiling Clive Stafford Smith.

Alexander Baron: Thank you for taking the time to answer some questions; it is much appreciated. I see you are still handling capital cases. Can I ask how many clients you have on death row?

Windi Akins: I have only one other person on death row. All my other clients where convicted have received life.

AB: I sent you some links, would you care to comment?

WA: The article you sent me is full of misrepresentations about the representation Jerry rendered. What exactly are you looking for? I wouldn't want to speak for Jerry because I don't know his perspective.

AB: Linda Carty's daughter Jovelle doesn't think much of you, see at 1.40 seconds here.

WA: Linda Carty's daughter didn't want to testify for her mother, even knowing it was in an effort to save her life, so I had her subpoenaed and physically brought her to court. She wasn't happy with me, but we were trying to save Linda's life, she didn't want to get involved.

AB: How did you become involved with this case?

WA: Judge Davies and Jerry Guerinot asked me to take the case and assist him at trial.

AB: Did you or did Linda Carty consider an insanity plea?

WA: We had Carty examined by a psychiatrist twice; once before trial and once during trial. She, unfortunately, is not crazy nor was she incompetent to stand trial.

AB: What do you say to the claim that Jerry Guerinot is the worst lawyer in America because he has or had so many clients on death row?

WA: Jerry Guerinot is a very good lawyer. He has so many people on death row because judges in Harris County would appoint him to the baddest of the bad.

[If this sounds a bit lame, the reader should consider the following. First, Texas executes far more convicted murderers than any other state. Check out this table. Whether or not Clive Stafford Smith, Windi Akins or anyone else agrees with this policy, it is a fact. Second, Jerry Guerinot was at that time a ** public defender specialising in capital cases. By the same token, the late Judge Sabo, who presided over the trial of Mumia Abu-Jamal, specialised in death penalty cases. (Apologists for Mumia have often claimed Sabo "sentenced to death" more people than any other judge in America). Third, if the police and the District Attorney do their jobs properly, one would hope that the only people indicted for murder would be those who are almost certainly guilty, if not of murder then of some extremely serious crime. Therefore it could be argued that a high percentage of convictions for capital murder implies that the system is working. Conversely, if 95% of Jerry Guerinot's clients had been acquitted of capital murder, one might have inferred either that he was the second coming of Perry Mason or perhaps bribing judges. In short, this is yet another case of lies, damned lies and statistics. This article from the *Observer* of December 2, 2007 while overtly hostile to Guerinot as well as crassly sympathetic to Carty, sheds some light on the difficulties he faced as a defense attorney in capital cases. It reveals also that he has prosecuted successfully in *** six capital cases (though not for the defendants!) Back to the interview.]

AB: Do you believe Linda Carty is guilty?

WA: There is no question in my mind that the last thing the new mother, of her 4 day old baby who was taken from her saw, was the face of Linda Carty carrying her son away, as she lay hog-tied in the trunk of the car Linda Carty had rented. She died a terrible death.

AB: What about her co-conspirators, the men she claims were responsible?

WA: Those “drug dealers” that she recruited are about as small time as drug dealers can get, and there was absolutely nothing in it for them, except for all the money Linda promised there would be in the apartment where the parents of the new baby lived...which was a major lie.

AB: Did Linda Carty testify in her own defense?

WA: No, Linda did not take the stand. She solidly refused to tell us what was her defense. She was always talking about one attorney or the other going to take over the case, and she would tell them about her “defense”.

AB: And Carty’s claim that her lawyer spent only fifteen minutes with her prior to trial?

WA: Jerry spoke to Linda many times, even before I was asked to help; and not for “just 15 minutes before trial”. He had a licensed investigator already appointed, John Castillo, who not only did the investigation in the case, and provided us with written reports, he took us to all the places where events allegedly occurred and then several times he took us to the jail for the 3 of us to be able to visit with Linda personally…and that was only during the time I was on the case. Jerry provided me with notes from many interviews with Linda, and shared with me the frustration for a client who refused our help. His hope was that I would be able to get her cooperation and help in her defense, which she refused to do.

AB: Windi Akins Pastorini, thank you very much.

WA: Thank you for your interest in telling the whole truth.

Now the reader must make up his or more likely her, own mind. The choice is to believe Linda Carty and her amen corner, or to believe the former Windi Akins who was there and did her best for her client against the odds, and has been rewarded for it by slander and vilification. Bear in mind that not only was Carty's other lawyer there, but the official record confirms everything she has said, and that official record is but a mouse click away. The simple fact is that rather than being framed by wicked drug dealers, Carty is the author of her own misfortune, and rather than having the worst lawyer in the world, her attorney, Jerry Guerinot, had arguably the worst client in the world. A client who was both uncooperative to the point of vexatiousness, and guilty as sin.

[The above article was first published December 7, 2011. * The two daffy young women alluded to herein actually got me thrown off Facebook briefly. When they were unable to counter my arguments, they reported me for having duplicate or fake accounts. It was only after I wrote personally to Mark Zuckerberg that my account was restored. I try not to spend too much time on Facebook so wasn't particularly bothered, but to me this in indicative of the mindset of the people who support campaigns like this, and who run them. They have not the slightest interest in truth. This one though did surprise me a bit; what sort of woman sides with a miserable creature who kidnaps a totally innocent young mother then smothers her to death with a plastic bag while the poor girl is trussed up in the boot of a car? ** A public defender is a government employee; a court-appointed attorney isn't. Only a small point, but...* Guerinot told me he had prosecuted successfully in two capital case though he specified as first chair, ie lead attorney. The table relating to US executions was added September 12, 2022, replacing an archived link. This is why it includes executions four years after this article was originally published.]**